

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NATIONWIDE PROPERTY & CASUALTY :	:
INSURANCE COMPANY as subrogee of	:
Jeffrey Nock	:
One West Nationwide Boulevard	:
Columbus, OH 43215	:
Plaintiff,	CASE NO.:
v.	COMPLAINT
UNITED STATES DEPARTMENT OF THE	:
AIR FORCE	:
1690 Air Force Pentagon	:
Washington, D.C. 20330	:
and	:
MATTHEW JOSEPH FOLEY, an officer of	:
816 Herman Road	:
Horsham, PA 19044	:
Defendants.	:

Plaintiff Nationwide Property & Casualty Insurance Company as subrogee of Jeffrey Nock, by and through its counsel, Law Office of Donna M. DiPietro, hereby demands judgment against Defendants United States Department of the Air Force and Matthew Joseph Foley, and in support thereof avers as follows:

INTRODUCTION

1. This case arises from a motor vehicle accident on June 20, 2018 on West Liberty Street at the intersection of North Queen Street in Lancaster, Pennsylvania. Naima Winder was a permissive user of Jeffrey Nock's 2017 Ford Explorer XLT and proceeding east on West Liberty Street. At the same time, Defendant Matthew Joseph Foley was operating a Ford F350, owned by the United States Department of the Air Force, north on North Queen Street. Defendant Matthew

Joseph Foley, who was under deployment and within the scope of his employment, ran a red light and struck Jeffrey Nock's vehicle on the passenger's side.

PARTIES

2. Plaintiff Nationwide Property & Casualty Insurance Company ("Nationwide") is an Ohio Corporation with a principal place of business at One West Nationwide Boulevard, Columbus, Ohio. At all times relevant, Nationwide was authorized to issue policies of insurance in the Commonwealth of Pennsylvania.

3. At all times relevant, Nationwide provided insurance coverage to Jeffrey Nock ("Nock") for his 2017 Ford Explorer XLT.

4. Defendant United States Department of the Air Force ("USAF") is a governmental agency within the United States Department of Defense that includes all elements and units of the United States Air Force. USAF is located at 1690 Air Force Pentagon, Washington, D.C. 20330 and conducts official operations in the Eastern District of Pennsylvania

5. Defendant Matthew Joseph Foley ("Foley") is an officer of the USAF. Defendant Foley resides at 816 Herman Road, Horsham, PA 19044. With respect to all of Defendant Foley's actions as alleged in this Complaint, Defendant Foley acted in his official capacity and therefore acted under color of law as an officer of the USAF.

JURISDICTION AND VENUE

6. This Court has jurisdiction of this action pursuant to 28 U.S.C. §1346.

7. Venue is proper pursuant to 28 U.S.C. §1391(e). Defendant Foley resides within the Eastern District of Pennsylvania, and this accident happened in Lancaster County, Pennsylvania, which is in the Eastern District of Pennsylvania.

FACTUAL ALLEGATIONS

8. On or about June 20, 2018, at about 8:40 p.m., a motor vehicle accident occurred at the intersection of West Liberty Street and North Queen Street in Lancaster, Pennsylvania.

9. Naima N. Winder, a permissive user, was operating Jeffrey Nock's vehicle east on West Liberty Street approaching the intersection of North Queen Street.

10. At the same time, a 2008 Ford F350 truck owned by Defendant USAF and driven by Defendant Foley was traveling north on North Queen Street.

11. As Ms. Winder traveled through the intersection on a steady green light, suddenly, and without warning, Defendant Foley disregarded the red light on North Queen Street and traveled straight through the intersection, causing him to strike and damage the Nock vehicle.

12. As a direct and proximate result of the negligence of Defendant Foley, Jeffrey Nock's vehicle sustained damages and related expenses in the amount of \$7,900.80, plus costs. Pursuant to the terms of conditions of the applicable policy, Nationwide is subrogated to the rights of its insured to the extent of payments made and now seeks recovery from Defendant Foley for the amount paid to its insured. A true and correct copy of damages and related expenses is attached to the Complaint as Exhibit "A."

COUNT I
NATIONWIDE PROPERTY & CASUALTY INSURANCE COMPANY A/S/O JEFFREY
NOCK V. MATTHEW JOSEPH FOLEY
NEGLIGENCE

13. Plaintiff incorporates by reference the allegations set forth in the foregoing paragraphs as though same were fully set forth at length herein.

14. Defendant Foley, under the scope of his employment with the USAF, owed a duty of care to drive in a reasonable manner and obey traffic signals.

15. Defendant Foley was negligent and careless through the following actions and omissions:

- a. failing to obey traffic signals;
- b. failing to keep a lookout for other vehicles on the roadway;
- c. moving into the path of another vehicle;
- d. failing to exercise due care;
- e. failing to stop within the assured clear distance;
- f. failing to yield to Jeffrey Nock who had the right of way;
- g. failing to follow applicable Pennsylvania Regulations for the operation of a motor vehicle; and
- h. striking the Nock vehicle.

WHEREFORE, Plaintiff Nationwide Property & Casualty Insurance Company demands judgment against Defendants United States Department of the Air Force and Matthew Joseph Foley in the amount of \$7,900.80, plus interest, costs any other such relief as the Court deems appropriate.

COUNT II

NATIONWIDE PROPERTY & CASUALTY INSURANCE COMPANY A/S/O JEFFREY
NOCK V. UNITED STATES DEPARMENT OF THE AIR FORCE
NEGLIGENT ENTRUSTMENT

16. Plaintiff incorporates by reference the allegations set forth in the foregoing paragraphs as though same were fully set forth at length herein.

17. The negligence and carelessness of Defendant USAF consisted of the following:

- a. entrusting a vehicle to a driver it knows or should have known was unqualified or incapable of operating its vehicle trailer in a safe manner;
- b. allowing its agent to operate the vehicle; and,
- c. being otherwise careless or negligent in the management and maintenance

of the vehicle.

WHEREFORE, Plaintiff Nationwide Property & Casualty Insurance Company demands judgment against Defendants United States Department of the Air Force and Matthew Joseph Foley in the amount of \$7,900.80, plus interest, costs any other such relief as the Court deems appropriate.

COUNT III:

NATIONWIDE PROPERTY & CASUALTY INSURANCE COMPANY A/S/O JEFFREY NOCK V. UNITED STATES DEPARTMENT OF THE AIR FORCE
NEGLIGENCE DUE TO RESPONDEAT SUPERIOR

18. Plaintiff incorporates by reference the allegations set forth in the foregoing paragraphs as though same were fully set forth at length herein.

19. At all times relevant, Defendant Foley was under the scope of his employment with the USAF, was under deployment with the USAF, and was operating a USAF vehicle.

20. Defendant USAF is responsible for the negligent and careless acts of Defendant Foley under the theories of agency, vicarious liability and respondeat superior.

WHEREFORE, Plaintiff Nationwide Property & Casualty Insurance Company demands judgment against Defendants United States Department of the Air Force and Matthew Joseph Foley in the amount of \$7,900.80, plus interest, costs any other such relief as the Court deems appropriate.

Date: 12/13/19

Respectfully submitted,

John P. Encarnacion, Esquire
LAW OFFICE OF DONNA M. DIPIETRO
1601 Market Street, Suite 1040
Philadelphia, PA 19103
(215) 762-9432
(215) 789-7655 (fax)
john.encarnacion@nationwide.com

Attorney for Plaintiff, Nationwide Property & Casualty Insurance Company

Exhibit A

**FAULKNER COLLISION CENTER OF
LANCASTER**

Workfile ID: e6d86305
Federal ID: 474585778

To Be Sure
1350 Loop Road, LANCASTER, PA 17601
Phone: (717) 293-7800
FAX: (717) 299-3151

Supplement of Record 3 with Summary

Customer: NOCK, JEFFERY O

Job Number:

Written By: Fran Donovan, 267826, 7/30/2018 7:52:21 PM
Adjuster: NECZ, OYSAR, (877) 777-2022 Business

Insured:	NOCK, JEFFERY O	Policy #:	5837E 848952	Claim #:	420141-GH-2
Type of Loss:	COLL - Collision	Date of Loss:	6/20/2018 8:55 PM	Days to Repair:	0
Point of Impact:	05 Right Rear				

Owner:	Inspection Location:	Insurance Company:
NOCK, JEFFERY O	FAULKNER COLLISION CENTER OF LANCASTER	NATIONWIDE PROPERTY AND CASUALTY COMPANY
710 SALIX CT	1350 Loop Road	HARRISBURG - 37
WILLOW STREET, PA 17584-9676	LANCASTER, PA 17601	1000 NATIONWIDE DR
(717) 475-6876 Cell	Repair Facility	MERCHAJ@NATIONWIDE.COM
(717) 475-6876 Evening	(717) 293-7800 Business	HARRISBURG, PA 17110 (610) 310-7095 Business

VEHICLE

2017 FORD Explorer XLT 4WD 4D UTV 6-3.5L Gasoline Sequential MPI BLACK

VIN: 1FM5K8D84HGE08966	Interior Color: BLACK	Mileage In: 111,972	Vehicle Out: 7/19/2018
License: KNJ6701	Exterior Color: BLACK	Mileage Out:	
State: PA	Production Date: 10/2017	Condition:	Job #:

TRANSMISSION	CONVENIENCE	FM Radio	ROOF
Automatic Transmission	Air Conditioning	Stereo	Luggage/Roof Rack
4 Wheel Drive	Intermittent Wipers	Search/Seek	SEATS
POWER	Tilt Wheel	CD Player	Cloth Seats
Power Steering	Cruise Control	Auxiliary Audio Connection	Bucket Seats
Power Brakes	Rear Defogger	Satellite Radio	Reclining/Lounge Seats
Power Windows	Keyless Entry	SAFETY	3rd Row Seat
Power Locks	Alarm	Drivers Side Air Bag	Retractable Seats
Power Mirrors	Message Center	Passenger Air Bag	WHEELS
Heated Mirrors	Steering Wheel Touch Controls	Anti-Lock Brakes (4)	Aluminum/Alloy Wheels
Power Driver Seat	Rear Window Wiper	4 Wheel Disc Brakes	PAINT
Power Passenger Seat	Telescopic Wheel	Traction Control	Clear Coat Paint
DECOR	Climate Control	Stability Control	OTHER
Dual Mirrors	Dual Air Condition	Front Side Impact Air Bags	Fog Lamps
Privacy Glass	Backup Camera w/Parking Sensors	Head/Curtain Air Bags	Rear Spoiler

Supplement of Record 3 with Summary

Customer: NOCK, JEFFERY O

Job Number:

2017 FORD Explorer XLT 4WD 4D UTV 6-3.5L Gasoline Sequential MPI BLACK

Console/Storage
Overhead Console

RADIO
AM Radio

Hands Free Device
Xenon Headlamps

Signal Integrated Mirrors
California Emissions

Supplement of Record 3 with Summary**Customer: NOCK, JEFFERY O****Job Number:**

2017 FORD Explorer XLT 4WD 4D UTV 6-3.5L Gasoline Sequential MPI BLACK

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1	WHEELS						
2	*	S03 Repl	RT/Rear Wheel, alloy 10 spoke-type 2	FB5Z1007A	1 <u>664.48</u> m	<u>0.1</u>	
Note: LKQ WHEEL NOT CORRECT. RECON WHEEL NOT AVAILABLE FROM WHEEL COLLISION OR KEYSTONE - PER DOUG 717-266-6043							
3	ROOF						
4		S02 R&I	RT Roof rail			0.3	
5	REAR DOOR						
6	*	Repl	LKQ RT Door assy +25%	FB5Z7824630A	1 <u>1,187.50</u>	<u>5.6</u>	<u>3.5</u>
	Note: PART LOCATED AT CHUCK'S, S/W JEFF, 888-230-9545, QTE #1549126						
7			Add for Clear Coat				1.4
8	#		TEARDOWN USED DOOR		1	1.5	
9		S02 R&I	RT W'strip on body			0.3	
10		R&I	RT Door w'strip			Incl.	
11		R&I	RT Front w'strip			Incl.	
12		R&I	RT Belt w'strip			Incl.	
13		S02 Repl	RT Applique	BB5Z78255A34AA	1 51.55	Incl.	
	Note: ATTACHED WITH ADHESIVE CANNOT REUSE						
14		R&I	RT Door glass FORD green tint			Incl.	
15		R&I	RT Run channel green tint glass from 02/03/2016			Incl.	
16		R&I	RT Handle, outside black			Incl.	
17	*	R&I	RT Latch			<u>Incl.</u>	
18		R&I	RT Door check			Incl.	
19		R&I	RT R&I trim panel			Incl.	
20		S02 Repl	RT Lower molding chrome insert	FB5Z7825556BA	1 186.82	0.4	
	Note: HAS DAMAGE IN TEXTURE, CANNOT REPAIR						
21	QUARTER PANEL						
22	*	S02 Rpr	RT Quarter panel			<u>8.0</u>	2.6
	Note: MULTIPLE AREAS OF DAMAGE						
23			Overlap Major Adj. Panel			-0.4	
24			Add for Clear Coat			0.4	
25		S02	Add for Lock Pillar			0.6	
26	#	S01	REFINISH DEDUCTION		1	-0.3	
27		R&I	RT Splash shield			0.3	
28		Repl	RT Wheel opng mldg	FB5Z7829164AA	1 96.25	0.4	
29	*	S02 R&I	<u>RT Qtr trim panel</u>			<u>0.3</u>	
30	REAR SUSPENSION						
31		S02	O/H rr susp rt		m	3.9	M
32	*	S03 Repl	RT Hub	BB5Z1104A	1 <u>91.05</u> m	Incl.	M
33		Repl	RT Trailing arm	BB5Z5500A	1 93.36 m	Incl.	M
34		Repl	RT Upper cntrl arm	DE9Z5500A	1 184.05 m	0.8	M
	Note: LESSER COST PART IN RPS FROM NAPA IS FOR THE BUSHING ONLY						

Supplement of Record 3 with Summary**Customer: NOCK, JEFFERY O****Job Number:**

2017 FORD Explorer XLT 4WD 4D UTV 6-3.5L Gasoline Sequential MPI BLACK

35	*	S02	Repl	RT Mount bushing	CB5Z5A638A	1	48.80	<u>0.5</u> M
36	*	S03	Repl	RT Shock 3.5 liter NON TURBO	FB5Z18125B	1	<u>68.09</u> m	Incl.
37	#	S03	Repl	RT REAR PLASTIC COATED STEEL BRAKE LINE		1	158.02	
38	#	S03	Subl	INSTALL REAR BRAKE/FUEL AT SERVICE +25%		1	1,006.64	
Note: PART HAS INTEGRATED FUEL LINE, EVAP LINE, AND REQUIRES SPECIAL TOOLS								
39	**	S02	Repl	A/M RT Brake hose	BB5Z2282A	1	19.58 m	0.5 M
40		S02		Bleed brake system			m	0.5 M
41	*	S02	R&I	<u>RT Stabilizer link - PARTIAL</u>			m	<u>Incl.</u>
42		S02	Repl	RT ABS sensor w/o auto park	DA8Z2C190B	1	29.98 m	Incl.
43	REAR LAMPS							
44			R&I	RT Tail lamp assy level 1				0.3
45	REAR BUMPER							
46	*		R&I	<u>R&I bumper cover - PARTIAL</u>				<u>0.6</u>
47	#	S03	Subl	REPLACE RT REAR WHEEL AND TPMS VALVE STEM		1	38.71	
Note: MOUNT AND BAL TIRE, REPLACE TPMS VALVE STEM, WHEEL WEIGHTS, PA TIRE TAX, AND TIRE DISPOSAL FEE ARE INCLUDED								
48	#			CORROSION PROTECTION		1	10.00 T	
49	#			CAR COVER		1	15.00 T	
50	#			FOUR WHEEL ALIGNMENT		1	84.95 T	M
51	#			HAZARDOUS WASTE REMOVAL		1	3.50 T	
52	#	S03	Subl	Pre-Scan asTech		1	119.95	
53	#	S03	Subl	Post-Scan asTech		1	50.00	
54	#	S03		Scan Labor Pre-Scan		1		0.5 M
55	#	S03		Scan Labor Post-Scan		1		0.5 M
56				OTHER CHARGES				
57	#	S02		Towing		1	50.00	
				SUBTOTALS			4,258.28	25.3
								7.8

NOTES

Prior Damage Notes:

STONE CHIPS FRONT END, CURB SCRATCHS RF WHEEL, AND NORMAL WEAR AND TEAR

Supplement of Record 3 with Summary**Customer: NOCK, JEFFERY O****Job Number:**

2017 FORD Explorer XLT 4WD 4D UTV 6-3.5L Gasoline Sequential MPI BLACK

ESTIMATE TOTALS

Category	Basis	Rate	Cost \$
Parts			4,094.83
Parts Discount	\$ 1,514.43	-10.0 %	-151.44
Body Labor	18.1 hrs @	\$ 52.00 /hr	941.20
Paint Labor	7.8 hrs @	\$ 52.00 /hr	405.60
Mechanical Labor	7.2 hrs @	\$ 56.00 /hr	403.20
Paint Supplies	7.8 hrs @	\$ 33.00 /hr	257.40
Miscellaneous			113.45
Other Charges			50.00
Subtotal			6,114.24
Sales Tax	\$ 6,064.24	@ 6.0000 %	363.85
Grand Total			6,478.09
Deductible			150.00
CUSTOMER PAY			150.00
INSURANCE PAY			6,328.09

Supplement of Record 3 with Summary**Customer: NOCK, JEFFERY O****Job Number:**

2017 FORD Explorer XLT 4WD 4D UTV 6-3.5L Gasoline Sequential MPI BLACK

SUPPLEMENT SUMMARY

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
Changed Items							
31	Repl	RT Hub	BB5Z1104A	1	-185.98 m	Incl. M	
32 *	S03	Repl RT Hub	BB5Z1104A	1	91.05 m	Incl. M	
35	S02	Repl RT Shock 3.5 liter NON TURBO	FB5Z18125B	1	-66.95 m	Incl.	
36 *	S03	Repl RT Shock 3.5 liter NON TURBO	FB5Z18125B	1	68.09 m	Incl.	
36 #	S02	Repl RT REAR PLASTIC COATED STEEL BRAKE LINE		1	-158.80		
37 #	S03	Repl RT REAR PLASTIC COATED STEEL BRAKE LINE		1	158.02		
37 #	S02 Subl	INSTALL REAR BRAKE/FUEL AT SERVICE		1			
NOTE: PART HAS INTEGRATED FUEL LINE, EVAP LINE, AND REQUIRES SPECIAL TOOLS							
38 #	S03 Subl	INSTALL REAR BRAKE/FUEL AT SERVICE +25%		1	1,006.64		
NOTE: PART HAS INTEGRATED FUEL LINE, EVAP LINE, AND REQUIRES SPECIAL TOOLS							
Deleted Items							
1	WHEELS						
2 **	Repl	RECOND RT/Rear Wheel, alloy 20"	FB5Z1007A	1	-289.00 m	-0.3 M	
NOTE: LKQ WHEELS LISTED IN RPS WERE NOT FOR CORRECT OPTION							
50 #	WHEEL BALANCE & WEIGHTS			1	-18.00 T	M	
Added Items							
1	WHEELS						
2 *	S03	Repl RT/Rear Wheel, alloy 10 spoke-type 2	FB5Z1007A	1	664.48 m	0.1	
NOTE: LKQ WHEEL NOT CORRECT. RECON WHEEL NOT AVAILABLE FROM WHEEL COLLISION OR KEYSTONE - PER DOUG 717-266-6043							
47 #	S03 Subl	REPLACE RT REAR WHEEL AND TPMS VALVE STEM		1	38.71		
NOTE: MOUNT AND BAL TIRE, REPLACE TPMS VALVE STEM, WHEEL WEIGHTS, PA TIRE TAX, AND TIRE DISPOSAL FEE ARE INCLUDED							
52 #	S03 Subl	Pre-Scan asTech		1	119.95		
53 #	S03 Subl	Post-Scan asTech		1	50.00		
54 #	S03	Scan Labor Pre-Scan		1		0.5 M	
55 #	S03	Scan Labor Post-Scan		1		0.5 M	
SUBTOTALS					1,478.21	0.8	0.0

Supplement of Record 3 with Summary**Customer: NOCK, JEFFERY O****Job Number:**

2017 FORD Explorer XLT 4WD 4D UTV 6-3.5L Gasoline Sequential MPI BLACK

TOTALS SUMMARY

Category	Basis	Rate	Cost \$
Parts			1,496.21
Parts Discount	\$ 570.69	-10.0 %	-57.07
Body Labor	0.1 hrs @	\$ 52.00 /hr	5.20
Mechanical Labor	0.7 hrs @	\$ 56.00 /hr	39.20
Miscellaneous			-18.00
Subtotal			1,465.54
Sales Tax	\$ 1,465.54	@ 6.0000 %	87.93
Total Supplement Amount			1,553.47
NET COST OF SUPPLEMENT			1,553.47

CUMULATIVE EFFECTS OF SUPPLEMENT(S)

Estimate	4,033.76	Fran Donovan
Supplement S01	-54.06	Fran Donovan
Supplement S02	944.92	Fran Donovan
Supplement S03	1,553.47	Fran Donovan
Job Total:	\$ 6,478.09	
CUSTOMER PAY:	\$ 150.00	
INSURANCE PAY:	\$ 6,328.09	

The limit of your coverage is the actual cash value of your auto or its damaged parts at the time of loss. Fair market value, age and condition of your damaged vehicle will be considered when determining the actual cash value of a loss. Certain parts lose value or depreciate because of age, condition, and/or wear and tear. Betterment is the increase in value of a vehicle or any of its parts as a result of replacing certain parts damaged in a loss. If the replacement of certain parts results in an increase in value to your vehicle or any of its parts, a deduction for betterment may be made to your loss payment to reflect the actual cash value you are owed under your policy.

CAPA=Certified Automotive Parts Association

NSF=NSF International Certified Part

This is an estimate only and not an authorization to repair. Additional payment will be made only with the approval prior to repair.

Adjuster Signature _____

Date _____

Nationwide will replace any defective like kind and quality (used), reconditioned, recyclable and any quality replacement aftermarket (non-OEM) parts as specified on the appraisal for as long as you own or lease the vehicle.

Supplement of Record 3 with Summary**Customer: NOCK, JEFFERY O****Job Number:**

2017 FORD Explorer XLT 4WD 4D UTV 6-3.5L Gasoline Sequential MPI BLACK

ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY INSURANCE COMPANY OR OTHER PERSON FILES AN APPLICATION FOR INSURANCE OR STATEMENT OF CLAIM CONTAINING ANY MATERIALLY FALSE INFORMATION OR CONCEALS FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT MATERIAL THERETO COMMITS A FRAUDULENT INSURANCE ACT, WHICH IS A CRIME AND SUBJECTS THE PERSON TO CRIMINAL AND CIVIL PENALTIES.

THE FOLLOWING IS A LIST OF ABBREVIATIONS OR SYMBOLS THAT MAY BE USED TO DESCRIBE WORK TO BE DONE OR PARTS TO BE REPAIRED OR REPLACED: D=DISCONTINUED PART A=APPROXIMATE PRICE B=BODY LABOR D=DIAGNOSTIC E=ELECTRICAL F=FRAME G=GLASS M=MECHANICAL P=PAINT LABOR S=STRUCTURAL T=TAXED MISCELLANEOUS X=NON TAXED MISCELLANEOUS ADJ=ADJACENT ALGN=ALIGN A/M=AFTERMARKET BLND=BLEND CAPA=CERTIFIED AUTOMOTIVE PARTS ASSOCIATION D&R=DISCONNECT AND RECONNECT EST=ESTIMATE EXT. PRICE=UNIT PRICE MULTIPLIED BY THE QUANTITY INCL=INCLUDED MISC=MISCELLANEOUS NON-ADJ=NON ADJACENT O/H=OVERHAUL OP=OPERATION NO=LINE NUMBER QTY=QUANTITY RECOND=RECONDITION REFN=REFINISH REPL=REPLACE R&I=REMOVE AND INSTALL R&R=REMOVE AND REPLACE RPR=REPAIR RT=RIGHT SECT=SECTION SUBL=SUBLET LT=LEFT W/O=WITHOUT W/_=WITH/_#=MANUAL LINE ENTRY *=OTHER [IE..MOTORS DATABASE INFORMATION WAS CHANGED]. **=DATABASE LINE WITH AFTERMARKET N=NOTES ATTACHED TO LINE NAGS=NATIONAL AUTO GLASS SPECIFICATIONS. OPT OEM=ORIGINAL EQUIPMENT MANUFACTURER PARTS EITHER OPTIONALLY SOURCED OR OTHERWISE PROVIDED WITH SOME UNIQUE PRICING OR DISCOUNT.

THE ATTACHED ESTIMATE REPRESENTS AN APPRAISAL OF THE COST OF REPAIR FOR THE VISIBLE DAMAGE TO THE VEHICLE NOTED AT THE TIME OF INSPECTION NECESSARY TO RETURN THE VEHICLE TO ITS PREDAMAGED CONDITION. COSTS ABOVE THE APPRAISED AMOUNT MAY BE THE RESPONSIBILITY OF THE VEHICLE OWNER. THERE IS NO REQUIREMENT THAT THE VEHICLE OWNER USE ANY SPECIFIED REPAIR SHOP. INFORMATION REGARDING REPAIR FACILITIES WHICH WILL BE ABLE TO REPAIR THE VEHICLE FOR THE APPRAISED AMOUNT IS AVAILABLE FROM THE INSURANCE COMPANY. IF USED PARTS ARE SPECIFIED, THEY ARE REQUIRED TO BE OF LIKE KIND AND QUALITY TO THOSE BEING REPLACED. INCIDENTAL CHARGES SUCH AS TOWING, PROTECTIVE CARE, CUSTODY, STORAGE, DEPRECIATION, BATTERY AND TIRE REPLACEMENT ARE NOTED WHEN APPLICABLE.

AFTERMARKET CRASH PART - A NONORIGINAL EQUIPMENT MANUFACTURER (NON-OEM) REPLACEMENT PART, EITHER NEW OR USED, FOR ANY OF THE NONMECHANICAL PARTS THAT GENERALLY CONSTITUTE THE EXTERIOR OF THE MOTOR VEHICLE, INCLUDING INNER AND OUTER PANELS. THIS APPRAISAL WILL INDICATE IF AFTERMARKET CRASH PARTS ARE SPECIFIED. IF THE USE OF SUCH PARTS VOIDS THE WARRANTY ON THE PART BEING REPLACED OR ON ANY OTHER PART, THE AFTER MARKET CRASH PART SHALL HAVE A WARRANTY EQUAL TO OR BETTER THAN THE REMAINDER OF THE EXISTING WARRANTY.

This estimate has been prepared based on the use of automobile parts not made by the original manufacturer. Parts specified on the appraisal by other than the original manufacturer are required to be at least equal in like, kind, and quality in terms of fit, quality and performance to the original manufacturer parts they are replacing.

Supplement of Record 3 with Summary**Customer: NOCK, JEFFERY O****Job Number:**

2017 FORD Explorer XLT 4WD 4D UTV 6-3.5L Gasoline Sequential MPI BLACK

Estimate based on MOTOR CRASH ESTIMATING GUIDE and potentially other third party sources of data. Unless otherwise noted, (a) all items are derived from the Guide DR2MF16, CCC Data Date 7/17/2018, and potentially other third party sources of data; and (b) the parts presented are OEM-parts manufactured by the vehicles Original Equipment Manufacturer. OEM parts are available at OE/Vehicle dealerships. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM or ALT OEM parts may reflect some specific, special, or unique pricing or discount. OPT OEM or ALT OEM parts may include "Blemished" parts provided by OEM's through OEM vehicle dealerships. Asterisk (*) or Double Asterisk (**) indicates that the parts and/or labor data provided by third party sources of data may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. The symbol (<>) indicates the refinish operation WILL NOT be performed as a separate procedure from the other panels in the estimate. Non-Original Equipment Manufacturer aftermarket parts are described as Non OEM, A/M or NAGS. Used parts are described as LKQ, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries.

Some 2019 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The CCC ONE estimator has a list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

The following is a list of additional abbreviations or symbols that may be used to describe work to be done or parts to be repaired or replaced:

SYMBOLS FOLLOWING PART PRICE:

m=MOTOR Mechanical component. s=MOTOR Structural component. T=Miscellaneous Taxed charge category.
X=Miscellaneous Non-Taxed charge category.

SYMBOLS FOLLOWING LABOR:

D=Diagnostic labor category. E=Electrical labor category. F=Frame labor category. G=Glass labor category.
M=Mechanical labor category. S=Structural labor category. (numbers) 1 through 4=User Defined Labor Categories.

OTHER SYMBOLS AND ABBREVIATIONS:

Adj.=Adjacent. Algn.=Align. ALU=Aluminum. A/M=Aftermarket part. Blnd=Blend. BOR=Boron steel.
CAPA=Certified Automotive Parts Association. D&R=Disconnect and Reconnect. HSS=High Strength Steel.
HYD=Hydroformed Steel. Incl.=Included. LKQ=Like Kind and Quality. LT=Left. MAG=Magnesium. Non-Adj.=Non
Adjacent. NSF=NSF International Certified Part. O/H=Overhaul. Qty=Quantity. Refn=Refinish. Repl=Replace.
R&I=Remove and Install. R&R=Remove and Replace. Rpr=Repair. RT=Right. SAS=Sandwiched Steel.
Sect=Section. Subl=Sublet. UHS=Ultra High Strength Steel. N=Note(s) associated with the estimate line.

CCC ONE Estimating - A product of CCC Information Services Inc.

The following is a list of abbreviations that may be used in CCC ONE Estimating that are not part of the MOTOR CRASH ESTIMATING GUIDE:

BAR=Bureau of Automotive Repair. EPA=Environmental Protection Agency. NHTSA= National Highway Transportation and Safety Administration. PDR=Paintless Dent Repair. VIN=Vehicle Identification Number.

Supplement of Record 3 with Summary**Customer: NOCK, JEFFERY O****Job Number:**

2017 FORD Explorer XLT 4WD 4D UTV 6-3.5L Gasoline Sequential MPI BLACK

PARTS SUPPLIER LIST

Line	Supplier	Description	Price
39	NAPA 2999 CIRCLE 75 PARKWAY ATLANTA GA 30339 (800) 538-6272 (999) 999-9999	#UP 683137 A/M RT Brake hose	\$ 19.58



Rental Company: ENTERPRISE RENT-A-CAR
 Invoice: D795134-5711
 Alternate Invoice Number: 2NSBG5

Bill To: NAT77CO
 NATIONALWIDE CLAIMCENTER (GUIDEWIRE CLAIMS ONLY)
 ATTN: HBG NECZ ESCALATIONS
 1000 Nationwide Dr
 Harrisburg, PA 17110

RENTAL DETAIL:

Rental Period: 6/21/18 to 7/20/18 (30 days)
 Billed Period: 6/21/18 to 7/20/18 (30 days)

RENTER INFORMATION:

Renter: NOCK, JEFFERY

RENTAL INFORMATION:

Rental Branch Location:
 ENTERPRISE RENT-A-CAR (5711)
 2010 COLUMBIA AVE
 LANCASTER, PA 176034331
 (717) 290-1111

ADDITIONAL CLAIM INFORMATION:

Claim Number :420141-GH
 Claim Type: Insured
 Vehicle Condition: Non-Driveable
 Date Of Loss: 6/20/18
 Insured Name: JEFFERY O NOCK
 Owner's Vehicle: 2017 FORD EXPLO
 Additional Driver:

Repair Facility:
 FAULKNER COLLISION - LANCASTER
 LANCASTER, PA 17607
 (717) 293-7800

Products and Services	Rate	Amount
30 TIME & DISTANCE	23.75	\$712.50
1 REFUELING CHARGE	0.00	\$0.00
30 YOUNG RENTER FEE	0.00	\$0.00
Taxes and Surcharges		
30 PTA FEE	2.00	\$60.00
1 VEHICLE RENTAL TAX	2.00%	\$14.25
1 PA TAX	6.00%	\$42.75
Total Charges:		\$829.50
Less Amount Received:		\$0.00
		Total Amount Due: \$829.50

VEHICLES RENTED:

Effective Date and Time	Year	Make	Model	VIN	Starting Mileage	Ending Mileage	Mileage	Rate Charged
6/21/18 2:17 PM	2018	FORD	FOCU	1FADP3K2XJL207613	16549	16800	251	\$23.75

Rental Invoice

Please Return This Portion with Remittance

Make Payment To:
ENTERPRISE RENT-A-CAR
 P.O. BOX 840086
 KANSAS CITY, MO 64184-0086
 Federal ID: 43-0724835

Total Charges:	\$829.50
Less Amount Received:	\$0.00
Total Amount Due.....	\$829.50

Please include on your check:
 Invoice: D795134-5711



Cross Country Automotive Services VIMS INVOICE

Bill To:

Claim Number 420141-GH

PO 448188006

Account Nationwide

Invoice Date 6/27/2018

Payment Terms Net 7

Balance Due \$593.21

Billing Summary

Service	PolicyHolder	Service Date	Advance Charges	Tow and Service Charge	Total
VRM	JEFFERY O NOCK	6/21/2018	\$485.21	\$108.00	\$593.21
Total Charges					\$593.21

Advance Charge Details

Days of Storage	2 Days
Storage Cost / Day	\$50.00
Storage Fees	\$100.00
Primary Tow	\$325.00
Clean-Up	\$0.00
Labor	\$0.00
Winching	\$0.00
Impound Fees	\$0.00
Notification	\$0.00
Preservation	\$0.00
Sublet	\$0.00
Tax	\$0.00
Tear Down	\$0.00
Miscellaneous	\$10.21
Gate Fee	\$0.00
Admin Fee	\$50.00

5:19-cv-5868

CIVIL COVER SHEET

THE JS 44 CIVIL COVER SHEET AND THE INFORMATION CONTAINED HEREIN NEITHER REPLACE NOR SUPPLEMENT THE FILING AND SERVICE OF PLEADINGS OR OTHER PAPERS AS REQUIRED BY LAW, EXCEPT AS PROVIDED BY LOCAL RULES OF COURT. THIS FORM, APPROVED BY THE JUDICIAL CONFERENCE OF THE UNITED STATES IN SEPTEMBER 1974, IS REQUIRED FOR THE USE OF THE CLERK OF COURT FOR THE PURPOSE OF INITIATING THE CIVIL DOCKET SHEET (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM)

I. (a) PLAINTIFFS - Nationwide Property & Casualty Ins Co a/s/o Jeffrey Nock

DEFENDANTS - United States Dept of the Air Force, Matthew Joseph Foley

County of Residence of First Listed Plaintiff Washington, D C
(EXCEPT IN U.S. PLAINTIFF CASES ONLY)

NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

Attorneys (If Known)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Law Office of Donna M DiPietro, 1601 Market Street, Suite 1040
Philadelphia, PA 19103
Atty John P Encarnacion
215-762-9432

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- | | |
|---|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input checked="" type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	PTF	DEF	PTF	DEF
<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 425 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability			<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice			<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 850 Securities/Commodities/Exchange
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	Habeas Corpus:	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 863 DIWC/DIWV (405(g))	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer w/Disabilities - Other	Other:		<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other		
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
IMMIGRATION				
		<input type="checkbox"/> 462 Naturalization Application		
		<input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN (Place an "X" in One Box Only)

- | | | | | | | |
|---|---|--|---|--|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|---|---|--|---|--|--|---|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Motor Vehicle Safety Title 49, U.S. Code Chapter 301

VI. CAUSE OF ACTION

Brief description of cause: Defendant ran a red light and caused an accident at West Liberty and North Queen Streets in Lancaster, PA. Plaintiff's insured's vehicle was damaged.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P DEMAND \$ 7900.80 CHECK YES only if demanded in complaint
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See Instructions)

JUDGE

DOCKET NUMBER

DATE
12/13/2019

SIGNATURE OF ATTORNEY OF RECORD

DEC 13 2019

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG JUDGE

19 5868

ECS

DESIGNATION FORM

(To be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: One West Nationwide Blvd, Columbus OH 43215

Address of Defendant: 1690 Air Force Pentagon, Washington, DC 20330

Place of Accident, Incident or Transaction West Liberty & North Queen Sts, Lancaster, PA

RELATED CASE, IF ANY:

Case Number. _____ Judge: _____ Date Terminated. _____

Civil cases are deemed related when Yes is answered to any of the following questions

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes No
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes No
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? Yes No
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes No

I certify that, to my knowledge, the within case is / is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 12/13/19

Must sign here

Attorney-at-Law / Pro Se Plaintiff

83990 Attorney ID # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
- 2. FELA
- 3. Jones Act-Personal Injury
- 4. Antitrust
- 5. Patent
- 6. Labor-Management Relations
- 7. Civil Rights
- 8. Habeas Corpus
- 9. Securities Act(s) Cases
- 10. Social Security Review Cases
- 11. All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
- 2. Airplane Personal Injury
- 3. Assault, Defamation
- 4. Marine Personal Injury
- 5. Motor Vehicle Personal Injury
- 6. Other Personal Injury (Please specify) *property damage
(Subrogation)*
- 7. Products Liability
- 8. Products Liability - Asbestos
- 9. All other Diversity Cases
(Please specify) _____

N/A

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, John Egan / JEG, counsel of record or pro se plaintiff, do hereby certify

- Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs.
- Relief other than monetary damages is sought.

DEC 13 2019

DATE _____ Sign here if applicable _____ Attorney-at-Law / Pro Se Plaintiff _____ Attorney ID # (if applicable) _____

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38

EGS

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIACASE MANAGEMENT TRACK DESIGNATION FORM

CIVIL ACTION

v.

No. 19

5868

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. (✓)
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

12/13/19

Date

John Encarnacion / 21 (83890)Pro Se Plaintiff215-767-9432

Telephone

FAX Number

john.encarnacion@E-Mail Address nationwide.
.com

(Civ. 660) 10/02

DEC 13 2019